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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 31, 2018

Ms. Stacey B. Dwyer, P.E., Associate Director
Water Quality Protection Division
NPDES Permits and TMDLs Branch
1445 Ross Avenue
Dallas, Texas 75202-2733

Re: Response to *Interim Objection of Draft Permit* letter dated October 23, 2017
City of Fort Worth – Tarrant Regional Water District MS4; TPDES Permit No.
WQ0004350000 (TXS000901)

Dear Ms. Dwyer:

The Texas Commission on Environmental Quality (TCEQ) offers the following responses to your letter referenced above, along with copies of the revised draft permit and the fact sheet. It is the TCEQ's understanding based on previous discussions with your stormwater staff, that EPA agrees in concept with the justification provided below to withdraw the interim objection of the draft permit TPDES Permit No. WQ0004350000.

EPA Comments and TCEQ Responses:

EPA Comment No. 1

Part III.B.2.f, MCM 6, Construction Site Stormwater Runoff: Draft permit does not require 1) Procedures for site plan review of sediment and erosion plans; 2) training for construction inspectors. It is unclear how the Maximum Extent Practicable (MEP) standard is met for this permit without applying requirements in TCEQ permits for small MS4s to meet the same MEP standard. (CWQ 402(p)(3)(iii))

TCEQ Response No. 1

In response to item 1) a new paragraph Part III.B.2.f.ii.H) was added with the following language: "*procedures for site plan review of sediment and erosion plans*" and Part B.2.f.ii.I) was renumbered to Part B.2.f.ii.I).

In response to item 2) a new paragraph Part III.B.2.iv.C) with the following language was added: "*The permittee shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to conduct these activities. The training may be conducted by the permittee or by outside trainers.*" In addition, Part VII.F of the fact sheet was updated to include the changes made to the draft permit.

January 31, 2018

Part III.B.2.h.iii.B)- MCM 8, Monitoring, Evaluating and Reporting: EPA recommends that the Industrial and High-Risk Runoff Monitoring program includes an inspection program to look closely at the activities of facilities, capable of discharging industrial and high-risk runoff to the MS4. That inspection plan should identify the facility, risk level, inspection schedule.

In response to the comment, a new paragraph Part III.B.2.h.iii.A.1 was added with the following language: “*The program must include an inspection program to look closely at the activities of facilities capable or discharging industrial and high-risk runoff to the MS4. The inspection plan must identify the facility, risk level, and an inspection schedule.*” In addition, Part VII.F of the fact sheet was updated to include the changes to the draft permit.

Sincerely,

CL/LG

cc (electronic): Hanne L. Nielsen, Stormwater and Pretreatment Team (MC- 148)
Wastewater Permitting Section Division, TCEQ
Travis Timm, Customer Information and Assistance Team (MC-148)
Wastewater Permitting Section Division